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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

19 Cr. 233 (LAK)

5 MUSTAFA ABDEL-WADOOD,

6 Defendant.

Conference

7 -----x

8 New York, N.Y.

9 April 23, 2019

11:36 a.m.

10 Before:

11 HON. LEWIS A. KAPLAN,

12 District Judge

13
14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
17 Southern District of New York

BY: ANDREA M. GRISWOLD

18 BRENDAN F. QUIGLEY

Assistant United States Attorneys

19 BRAFMAN & ASSOCIATES, P.C.

Attorney for Defendant

20 BY: BENJAMIN BRAFMAN, ESQ.

21 BRACEWELL LLP

Attorneys for Defendant

22 BY: PAUL SHECHTMAN, ESQ.

MARGARET E. LYNAUGH, ESQ.

23 ALSO PRESENT: LEA HARMON, Pretrial Services Officer

24 DAYNA KENDALL, Special Agent, FBI

J4n1abdc

1 (Case called)

2 THE LAW CLERK: Government, are you ready?

3 MS. GRISWOLD: Yes. Good morning, your Honor. Andrea
4 Griswold for the government, joined by Brendan Quigley and
5 Special Agent Dayna Kendall with the FBI.

6 MR. QUIGLEY: Good morning.

7 THE LAW CLERK: Defense, are you ready?

8 MR. BRAFMAN: Good morning, your Honor. Benjamin
9 Brafman for Mr. Mustafa. Your Honor, out of respect for the
10 Court and as a courtesy, I'm here personally. I know I'm being
11 substituted as counsel, but I'm seeking the Court's formal
12 approval to be relieved since I was here at the prior
13 appearance.

14 THE COURT: Well, I appreciate that.

15 Mr. Abdel-Wadood, do you wish to change counsel from
16 Mr. Brafman to Mr. Shechtman?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: All right. Mr. Brafman, you're relieved.
19 Thank you for coming.

20 Mr. Shechtman, welcome aboard.

21 MR. BRAFMAN: Thank you, sir.

22 (Mr. Brafman excused)

23 MR. SHECHTMAN: Judge, Paul Shechtman.

24 THE COURT: You may be seated.

25 MR. SHECHTMAN: I'll take the first chair, if that's

J4n1abdc

1 okay. Paul Shechtman, Maggie Lynaugh, for Mr. Abdel-Wadood.

2 THE COURT: Okay. Ms. Griswold.

3 MS. GRISWOLD: Yes, your Honor. Since we last
4 appeared, your Honor gave me one piece of homework assignment,
5 which was to try to get a better sense of how long it would
6 take to extradite Mr. Naqvi. I've spoken to the Office of
7 International Affairs. I was told that between one to two
8 years is the estimate. Looking at some of the recent data
9 points, it appears that approximately a year is reasonable for
10 the first step -- that is, submitting the extradition package
11 and having an initial decision by the court. If there are
12 appeals of that decision, it tends to trend more towards two
13 years.

14 THE COURT: And it might depend on Brexit, mightn't
15 it?

16 MS. GRISWOLD: Yes, your Honor. Absolutely.

17 And the other update for the Court is that a third
18 defendant was arrested last week, Mr. Sivendran Vettivetpillai,
19 who is on the S1 indictment, which has been unsealed. And he
20 was a managing director and the head of impact investing at
21 Abraaj. He was also arrested in the UK, and the government
22 intends to seek his extradition. Currently both of the
23 individuals who were arrested in the UK are detained.
24 Mr. Vettivetpillai has been given a bail package that has to
25 meet those conditions. And Mr. Naqvi presently has been denied

J4n1abdc

1 bail.

2 THE COURT: Thank you.

3 I assume the government's view is that they want to
4 proceed with this case and deal with the possible extraditions
5 down the road; is that right?

6 MS. GRISWOLD: That is right, your Honor. We do want
7 to proceed with this case. We have been discussing with
8 Mr. Shechtman the possibility of a bail package for his client,
9 and this morning Mr. Abdel-Wadood was interviewed by pretrial
10 services, so we are considering whether or not that submission
11 by Mr. Shechtman will be on consent or whether or not he will
12 be requesting a bail hearing. We've agreed that if it's on
13 consent, I think we'll be able to get your Honor a letter by
14 Thursday indicating that he's making an application to which
15 the government does not oppose. If we can't reach agreement, I
16 believe Mr. Shechtman will be asking for an opportunity to have
17 a bail hearing before your Honor.

18 THE COURT: Well, regardless of whether you reach
19 agreement, I may want to be better informed before I sign off
20 on anything, if I do.

21 MS. GRISWOLD: Of course, your Honor.

22 THE COURT: I've seen what pretrial services generated
23 this morning, and the possibility of this man being a flight
24 risk is palpable.

25 MS. GRISWOLD: So perhaps it makes sense to set

J4n1abdc

1 something down even if we are in agreement, your Honor.

2 More substantively, on the underlying case, it remains
3 the government's intention to seek a superseding indictment,
4 adding additional detailed factual allegations and charges by
5 the end of May. We are compiling the substantial discovery in
6 this case and would propose to produce that discovery after the
7 return of the superseder. At this point in time my
8 understanding is Mr. Shechtman has no objection to that
9 proposal.

10 THE COURT: Okay. So if you're on track to supersede
11 by the end of May, is it unreasonable to put the discovery
12 deadline down for something like June 15th?

13 MS. GRISWOLD: Given that we're talking about millions
14 of documents here, your Honor, I would ask perhaps for the end
15 of June. We'll start rolling it out on a rolling basis, but I
16 think, respectfully, the end of June is a more realistic
17 deadline.

18 THE COURT: Okay. June 30th it is.

19 Mr. Shechtman.

20 MR. SHECHTMAN: Good to see you, Judge.

21 THE COURT: You too.

22 MR. SHECHTMAN: I suppose I should begin by saying I
23 agree with all of that. The deadline for discovery seems
24 sensible, and we hope we will get a package to you on Thursday
25 that is reasonable and tough-minded enough that your Honor

J4n1abdc

1 would approve it. If your Honor has time on Friday, the ideal
2 thing, from our point of view, would be to get you the letter
3 on Thursday, give you an opportunity to look at it, and appear
4 for Friday, unless your Honor were to cancel it, appear for
5 argument or discussion.

6 THE COURT: I'm just going to check and see how fast I
7 can get my computer to come up, but I don't know about Friday.
8 Let me see.

9 You mean this Friday, the 26th?

10 MR. SHECHTMAN: If your Honor has time.

11 THE COURT: No. The following week, early, I could
12 do.

13 MR. SHECHTMAN: How are you Monday?

14 THE COURT: So far looks pretty good.

15 MR. SHECHTMAN: Pick your time.

16 THE COURT: 2:30, Monday, April 29th?

17 MR. SHECHTMAN: That would work. And we will try to
18 get you a letter, my hope is on consent. And if you don't need
19 us, you'll let us know, but otherwise we'll be here at 2:30.

20 THE COURT: Okay. That sounds fine.

21 Now assuming we go along, how long a trial are we
22 looking at, assuming it's just this defendant?

23 MS. GRISWOLD: The government's case, we would
24 approximate two weeks, your Honor.

25 THE COURT: Mr. Shechtman, is it too early for you to

J4n1abdc

1 have any idea?

2 MR. SHECHTMAN: Very much so, your Honor. I spent
3 about eight hours over the weekend with Mr. Abdel-Wadood, but
4 it's still awfully early. I think you should probably sensibly
5 plan for a three-week trial.

6 THE COURT: All in.

7 MR. SHECHTMAN: All in.

8 THE COURT: Well, all right. Let me begin looking at
9 the calendar. My deputy is out sick today so I'm in the hands
10 of my law clerks, which is not a bad thing, but it's not the
11 usual thing.

12 What about a trial date next November, November of
13 2019, and we'll work backwards from that?

14 November 4th. Does that work for everybody?

15 MS. GRISWOLD: Fine for the government.

16 MR. SHECHTMAN: Fine for the defense.

17 THE COURT: Okay. Now, motions? What do you think,
18 Mr. Shechtman?

19 MR. SHECHTMAN: I haven't seen the superseding
20 indictment, your Honor, obviously. It doesn't look like it's a
21 heavy motion case. I suppose one always sees something, but I
22 don't see it as a heavy motion case. So if you --

23 THE COURT: Let's say end of July?

24 MR. SHECHTMAN: I was going to say, if you pick a date
25 and give me -- I have discovery the end of June. Could you do

J4n1abdc

1 August 15th, just in case that discovery rolls in late? I know
2 the government's not prone to do that.

3 THE COURT: August 15th is fine.

4 MR. SHECHTMAN: Thank you.

5 THE COURT: Government response, September 15th?

6 MS. GRISWOLD: That's great, your Honor. Thank you.

7 MR. SHECHTMAN: Judge, what is your practice on reply?
8 Can I get a week?

9 THE COURT: Yes. So let's make that September 23rd.
10 And let's put it down for argument or conference
11 October 3rd at 9:30.

12 Okay. What else can we usefully accomplish this
13 morning?

14 MS. GRISWOLD: Nothing else on the government's
15 agenda.

16 MR. SHECHTMAN: Nothing on mine, your Honor.

17 MS. GRISWOLD: I would like to exclude time, though,
18 if we're past anything else on Mr. Shechtman's list.

19 THE COURT: Yes. Well, to when? October 3rd?

20 MS. GRISWOLD: October 3rd, yes, your Honor.

21 MR. SHECHTMAN: That's fine.

22 THE COURT: Okay. Time is excluded through
23 October 3rd. I find that the interests of justice served
24 thereby, including the defendant's interest in obtaining and
25 reviewing all of the discovery, making any necessary motions,

J4n1abdc

1 becoming a little more familiar with his new lawyer, outweigh
2 the interests of the public and the defendant in a speedy
3 trial.

4 Okay. I'll look forward to whatever submission is
5 coming, and we'll take it from there.

6 MR. SHECHTMAN: Judge, can I make a modest request.

7 And I don't mean to cause trouble for the Marshals.

8 Mr. Abdel-Wadood has not seen his wife since his arrest.

9 There's been a lockdown in the MCC the last few days. Her
10 visiting day is today, and because of the lockdown, we haven't
11 been able to get the paperwork approved. Could he literally
12 have three minutes to say hello at the railing?

13 THE COURT: It's up to the Marshals.

14 Gentlemen, can you do that?

15 THE MARSHAL: Judge, we have to follow our normal
16 practice, which is he can acknowledge his family, but we have
17 to take him downstairs.

18 THE COURT: Well, you know, I regret that, but --

19 MR. SHECHTMAN: I understand.

20 THE COURT: -- I defer to them on all security
21 matters.

22 MR. SHECHTMAN: Understood.

23 THE COURT: Okay. Thank you.

24 MR. SHECHTMAN: Be well.

25 THE COURT: Thank you.